IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

TUESDAY THE FIFTH DAY OF SEPTEMBER, TWO THOUSAND AND SIX

: PRESENT:

THE HON'BLE SRI JUSTICE B.PRAKASH RAO

CIVIL REVISION PETITION No. 2497 OF 2005

(Petition Under Section 115 of C.P. C. to revise the order of the Court of the First Senior Civil Judge, City Civil Court, Hyderabad, made in E.A. No. 224 of 2001 in E.P. No. 86 of 1999 in O.S. No.873 of 1998, dated 23-04-2004)

Between:-
Mohd. Abbas Ali S/o Mohd. Hyussain.
..Petitioner

AND

1. Masood Bin Mohd. Al-Khaili S/o Mohd. Muslah, R/o. 12-2-894/2, Zeba Bagh, Asif Nagar, Hyderabad.
2. Mohd. Azeemuddin S/o Mohd. Ali, R/O 12-2-783/3, Reti Bowli, Ring Road, Hyderabad.

Respondents

The petition coming on for hearing, upon perusing the petition and memo. of grounds filed herein in support thereof and the orders of the High Court dated 03-02-2005 & 03-03-2006 made in CRPMP. No. 3347 of 2005 and upon hearing the arguments of Sri Vedula Venkataramana, Advocate for the Petitioner, and of Sri A. Ravi Shankar, Advocate on behalf of the Respondent No. 2, the Court made the following :

ORDER:

"Heard both sides.

This revision is at the instance of the third party – claim petitioner, who seeks to assail the order rejecting an application purported to have been filed by him seeking to dismiss E.P. No. 86 of 1999 in O.S. No. 873 of 1998.

During the course of arguments, it has been pointed out that the execution arises in pursuance of a decree obtained by respondent No. 1 as against Respondent No. 2 in a suit for specific performance. R-2 in fact had filed an insolvency application on the file of the Additional Judge, City Small Causes Court, Hyderabad, wherein the petitioner is one of the creditors shown among the total 75 creditors, and therefore, the question of collusive decree does not arise. Though the Court below did not find favour with the petitioner, however, it is now pointed out that the application was subsequently dismissed for default in I.P. No. 44 of 1998 and the steps taken subsequent to such dismissal of the insolvency application and the procedure followed for protecting the properties and the interest of such creditors including that of the petitioners herein, have to be known.

In view of the same, the office is directed to call for the report from the Additional Judge, City Small Causes Court, Hyderabad, in respect of the proceedings in I.P. No. 44 of 1998 as to the steps taken and the nature of proceedings which are pending in furtherance of protecting the rights of

creditors and also safeguarding the properties of the insolvent applicant. The report shall be submitted within a period of two weeks.

It shall also be stated as to whether any official liquidator or receiver has been appointed in these proceedings and the steps taken by such official.

Post after two weeks.

ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT REGISTRAR

(Contd. 2.)

To

1. The First Senior Civil Judge, City Civil Court, Hyderabad.
2. The Additional Judge, City Small Causes Court, Hyderabad.
   (BY SPECIAL MESSENGER)
3. Masood Bin Mohd. Al-Khaili S/o Mohd. Muslah, R/o. 12-2-894/2, Zeba Bagh, Asif Nagar, Hyderabad.
4. Mohd. Azeemuddin S/o Mohd. Ali, R/O 12-2-783/3, Reti Bowli, Ring Road, Hyderabad.
5. The Section Officer, CRP Section, High Court of A.P., Hyderabad.
   (BY SPECILA MESSENGER)
6. One CC to Sri Vedula Venkataramana, Advocate (OPUC)
7. One CC to Sri A. Ravi Shankar, Advocate (OPUC)
8. One spare copy.

BV

HIGH COURT

TCSR, J

DATE: 28-10-2005

NOTE: POST ON 3-11-2005

ORDER

CRP.NO. 4966 OF 2005

EXTENSION OF INTERIM STAY

HIGH COURT

MVJ
DRAFTED ON 3-11-2005

TCSR, J

DATE: 28-10-2005

NOTE: POST ON 3-11-2005

ORDER

CRP.NO. 4966 OF 2005

EXTENSION OF INTERIM STAY